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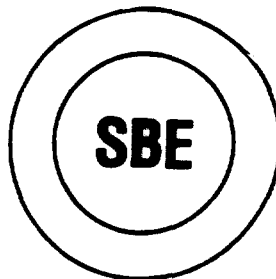
APR 29 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

Comments of the
Society of Broadcast Engineers, Inc.

MD Docket 96-84
FY 1996 Regulatory Fees



April 29, 1996

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SOCIETY OF BROADCAST ENGINEERS, INC.
Indianapolis, Indiana

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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APR 29 1996

In the Matter of)

Assessment and Collection)
of Regulatory Fees for)
Fiscal Year 1996)

MD Docket No. 96-84

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: The Commission

Comments of the Society of Broadcast Engineers, Inc.

The Society of Broadcast Engineers, Incorporated (SBE), the national association of broadcast engineers and technical communications professionals, with more than 5,000 members in the United States, hereby respectfully submits its comments in the above-captioned Notice of Proposed Rule Making relating to regulatory fees.

I. Annual Regulatory Fees for Broadcast Auxiliary Stations
are Improper as a General Matter

1. In its comments to MD Docket 94-19, concerning regulatory fees for FY 1994, SBE pointed out that it would be inappropriate to assess a regulatory fee (as opposed to an application fee) for Part 74 Broadcast Auxiliary Service (BAS) stations, because such stations were essentially self-administered by the broadcasting industry. It was pointed out that the SBE had pioneered the concept of cooperative sharing in the Broadcast Auxiliary bands, and has sponsored and fostered a well organized group of volunteers in most markets in the United States who carefully maintain data bases and facilitate licensee-to-licensee contact among local and visiting broadcasters. The result is a self-administered system that is a model of self-enforcement. The Commission has on numerous occasions noted the success of SBE-sponsored volunteer frequency coordination in the Broadcast Auxiliary bands. While it is understood that the purpose of this proceeding, as in similar past proceedings, is to implement a schedule of regulatory fees for various services, there is no justification for the imposition of a regulatory fee for the Broadcast Auxiliary Services, meaning remote pickup stations ("RPU"), Aural Broadcast Auxiliary stations, Television Broadcast Auxiliary stations, and Low Power Auxiliary stations (e.g., wireless microphones). These BAS operations, other than with respect to initial licensing and renewal applications, for which application fees are already charged under Section 8 of the

SBE Comments: MD Docket 96-84

Communications Act, are essentially self-regulating and should not be subject to annual regulatory fees.

2. In recognition of its volunteer program of frequency coordination, in 1994 SBE was recognized by the American Society of Association Executives ("ASAE"), and added to the ASAE *Advance America Honor Roll*. The ASAE cited the SBE frequency coordination program as "a perfect example of how associations play a vital role in helping the nation adapt to complex and changing times."

3. Indeed, the SBE has devoted a considerable portion of its resources to the creation of a series of maps, one for each state, the District of Columbia, and the Commonwealth of Puerto Rico, showing, by county, parish, or barrio, those areas served by one or more volunteer Broadcast Auxiliary frequency coordinators. Also included were the names, addresses, telephone numbers and facsimile numbers of each volunteer frequency coordinating committee. Copies of these maps, in three-ring binders, were distributed at no charge to approximately 100 SBE-sponsored frequency coordinating committees, in August of 1995. Informational copies were also provided, again at no charge, to senior FCC staff in the Mass Media Bureau, Compliance and Information Bureau, and Private Radio Bureau.¹ The list of frequency coordinators, and any map updates, are distributed to all coordinators and to senior MMB, CIB, and PRB staff, at approximately quarterly intervals, again at no charge.

4. In its June 8, 1994, Report and Order to MD Docket 94-19, the Commission noted, at Page 29, Paragraph 84, that:

The Society of Broadcast Engineers, Inc. (SBE) believes that broadcast auxiliary facilities, such as remote pick-up stations, and aural, television and low power auxiliary stations, should not be subject to any regulatory fee. SBE explains that there is no justification to apply a regulatory fee to these facilities since they are essentially self-regulating and impose little burden on our resources. As indicated above, we shall not modify any of section 9(g)'s fee requirements for FY 1994, but SBE may raise these issues in future proceedings. [emphasis added]

5. SBE did not comment on this issue in MD Docket 95-3, regarding FY 1995 regulatory fees, because its project to create a series of maps showing, by state and county, those areas covered by one or more volunteer frequency coordinating committees, had not yet come to fruition by the

¹ Most of the printing and mailing costs were underwritten by Metro Networks of Houston, Texas, a traffic reporting service in many major broadcast markets, and a significant user of 450 MHz RPU frequencies. The SBE is indebted to Metro Networks for its support of the SBE's volunteer frequency coordination program.

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February 13, 1995, comment deadline to MD Docket 95-3. However, since the map project has now been completed, SBE feels it appropriate to re-raise the issue of regulatory fees for BAS stations.

II. Reduction of Regulatory Fees for BAS Stations Would Ensure Continuation of SBE's Voluntary Frequency Coordination Program

6. SBE, like the FCC, has finite resources. SBE's funding comes from its membership dues, continuing education program, certification program, sustaining industry members, and outright donations. The approximately 100 volunteer Broadcast Auxiliary frequency coordinating committees throughout the U.S. are similarly supported by voluntary contributions, as it is SBE policy the coordinators are not to collect fees for specific frequency coordination requests.

7. If the Commission were to recognize this SBE effort, and the manpower savings the SBE frequency coordination program provides the Commission, by now eliminating or at least significantly reducing the annual regulatory fee charged to broadcasters, SBE could point to that cost savings as a reason why individual broadcast stations should continue to support, and hopefully expand their support, of the SBE-affiliated system of volunteer Broadcast Auxiliary frequency coordination.

8. Conversely, the failure to eliminate or reduce the regulatory fee in recognition of the broadcasting industry's proven ability to essentially self-administer its use of Broadcast Auxiliary frequencies would send a decidedly negative message to the industry, and possibly place the entire program of SBE-affiliated frequency coordinating committees in jeopardy.

III. Summary

9. The Commission recognized the benefits of the SBE-affiliated system of volunteer Broadcast Auxiliary frequency coordinating committees when the SBE filed comments to MD Docket 94-19, in 1994. Since that time the SBE has continued its frequency coordination program, and in late 1995 completed a milestone project of distributing 150 copies of its *Broadcast Auxiliary Frequency Coordination Coverage by County* binders to volunteer frequency coordinating committees nation-wide, and to senior FCC staff. This self-regulating effort now deserves to be recognized by the Commission, by either eliminating, or at least significantly reducing, the proposed annual regulatory fee of \$30 per Broadcast Auxiliary station.

List of Figures

SBE Comments: MD Docket 96-84

10. The following figures or exhibits have been prepared as a part of these MD Docket 96-84 comments:

1. Excerpts from SBE *Broadcast Auxiliary Frequency Coordination by County* document.

Respectfully submitted,

Society of Broadcast Engineers, Inc.

By Terrence M. Baun
Terrence M. Baun, CPBE, President

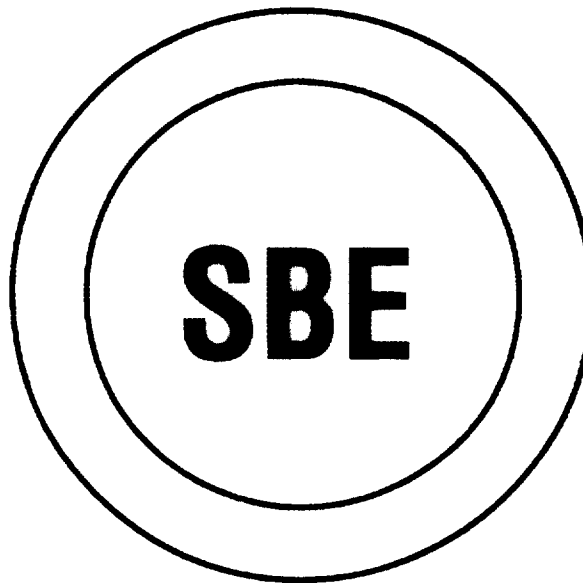
By Dane E. Ericksen
Dane E. Ericksen, P.E., CSRE, CSTE
Chairman, SBE FCC Liaison Committee

By Christopher D. Imlay
Christopher D. Imlay, Its Counsel

April 29, 1996

Booth, Freret & Imlay
1233 20th Street, Suite 204
Washington, D.C. 20036
202/296-9100

***Broadcast Auxiliary
Frequency Coordination
Coverage by County***



March 1, 1995

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SOCIETY OF BROADCAST ENGINEERS, INC.
Indianapolis, Indiana

SBE Comments to MD Docket 96-84

Excerpts from SBE Broadcast Auxiliary Frequency Coordination
Coverage by County Binder



18 August 1995

Dear Coordinators,

We at Metro Networks, as one of the largest users of Part 74 facilities, are well aware of the nightmare of congested spectrum and the need of the industries self-regulation of that spectrum. We wish to commend both the National Committee and you, the local Coordinators, for your efforts in bringing cooperation to confusion and order to chaos.

At last years SBE convention Dane Ericksen and Richard Rudman described this handbook as being in production. We are pleased to be able to support the SBE in it's efforts to make these handbooks available to you.

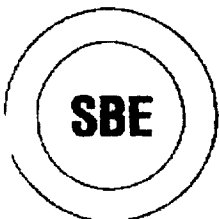
To that end, you will find enclosed the first edition of the *Society of Broadcast Engineers Frequency Coordination Handbook*. As updates and additions occur, we will forward them to you. Should you find any reproduction problems or omissions in the handbook, please contact me so I may get corrected sheets to you.

Sincerely,

Al Byers
Director of Engineering
Metro Networks Inc.

TRAFFIC • NEWS • SPORTS • WEATHER
2700 POST OAK BOULEVARD, SUITE 1400
HOUSTON, TEXAS 77058
713-621-2800 FAX 713-622-7045

Excerpts from SBE Broadcast Auxiliary Frequency Coordination
Coverage by County Binder



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FREQUENCY COORDINATION COVERAGE BY COUNTY

INTRODUCTION

The Society of Broadcast Engineers, Inc. (SBE) supports a volunteer group of over 100 Broadcast Auxiliary frequency coordinators nation wide. The SBE publishes a National Broadcast Auxiliary Coordinators Listing four times per year that is distributed to over 200 entities, including the FCC in Washington and several regional FCC offices.

Local Broadcast Auxiliary frequency coordinators act as data base administrators, facilitating licensee-to-licensee contact. They do not actually assign frequencies. In some cases experienced coordinators may suggest that a particular frequency may be appropriate, but the ultimate responsibility for determining whether a frequency can be re-used or shared rests with the applicant. That determination must, of course, be consistent with the permissible uses and priority of communications specified in the FCC Rules.

To assist broadcasters, other Broadcast Auxiliary eligible entities, and FCC staff in determining whether a particular area is covered by an SBE-affiliated frequency coordinating committee, these maps have been compiled based on a canvassing of all SBE-affiliated frequency coordinators. While every effort has been made to produce the most accurate maps and listing of coordinated counties possible, the SBE makes no warranty as to the accuracy of these maps and tabulations.

Any errors or omissions should be brought to the attention of Mr. Paul Lentz, SBE Data Base Administrator, 5034 Silica Drive, Sylvania, Ohio 43560; telephone 419-882-5906. The SBE will attempt to promptly correct any errors or omissions, and update these maps to reflect new or modified frequency coordination areas.

Dane E. Ericksen

Dane E. Ericksen
Chairman, SBE
FCC Liaison Committee

Richard Rudmann

Richard Rudmann
Chairman, National
Frequency Coordinating Council

Paul Lentz

Paul Lentz
SBE Data Base
Administrator

June 22, 1994

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Indianapolis, Indiana

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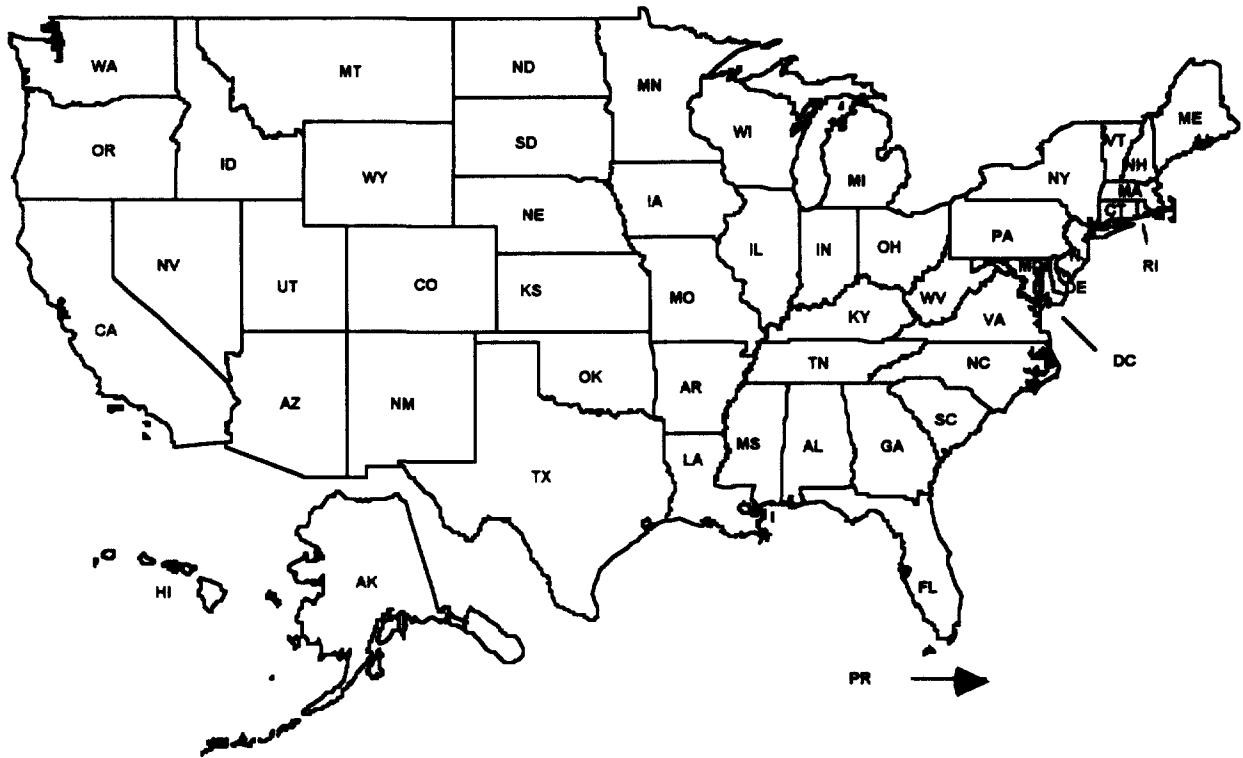


SOCIETY OF BROADCAST ENGINEERS, INC.
Indianapolis, Indiana

Excerpts from SBE Broadcast Auxiliary Frequency Coordination
Coverage by County Binder

FREQUENCY COORDINATION COVERAGE BY COUNTY

INDEX TO MAPS

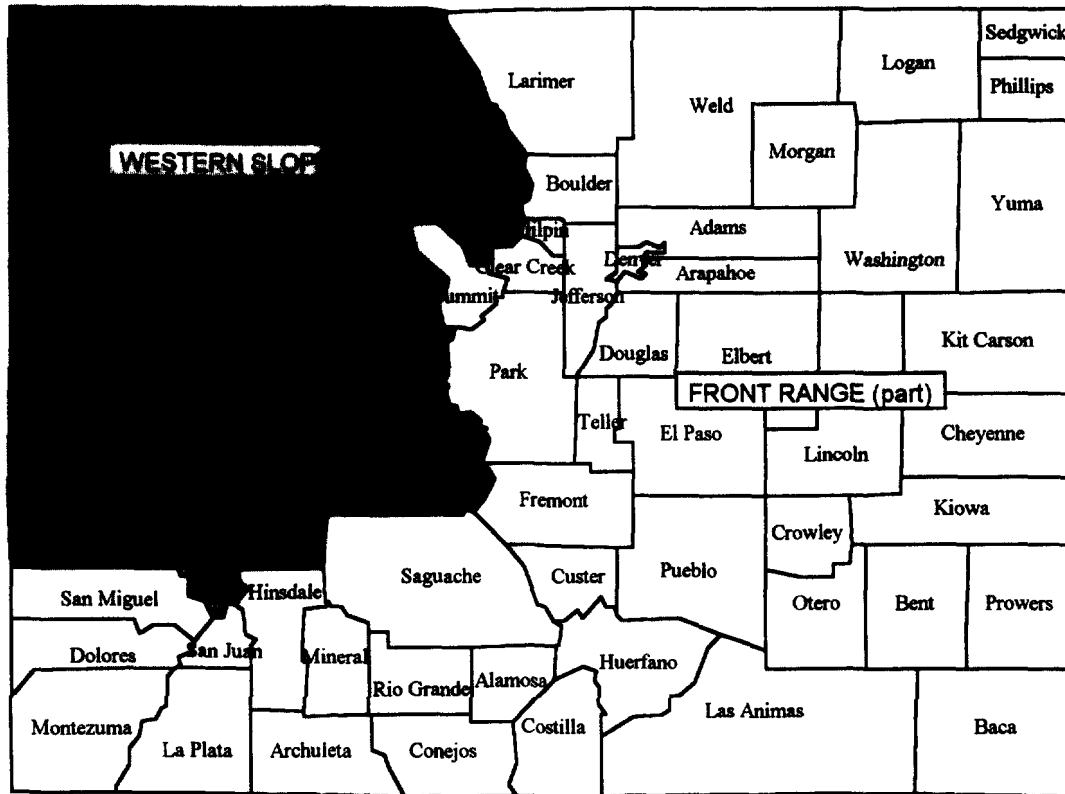


<u>State</u>	<u>Figure</u>	<u>State</u>	<u>Figure</u>	<u>State</u>	<u>Figure</u>
Alabama	1	Louisiana	19	Oklahoma	37
Alaska	2	Maine	20	Oregon	38
Arizona	3	Maryland	21	Pennsylvania	39
Arkansas	4	Massachusetts	22	Puerto Rico	40
California	5	Michigan	23	Rhode Island	41
Colorado	6	Minnesota	24	South Carolina	42
Connecticut	7	Mississippi	25	South Dakota	43
Delaware	8	Missouri	26	Tennessee	44
District of Columbia	9	Montana	27	Texas	45
Florida	10	Nebraska	28	Utah	46
Georgia	11	Nevada	29	Vermont	47
Hawaii	12	New Hampshire	30	Virginia	48
Idaho	13	New Jersey	31	Washington	49
Illinois	14	New Mexico	32	West Virginia	50
Indiana	15	New York	33	Wisconsin	51
Iowa	16	North Carolina	34	Wyoming	52
Kansas	17	North Dakota	35		
Kentucky	18	Ohio	36		

Excerpts from SBE Broadcast Auxiliary Frequency Coordination
Coverage by County Binder

FREQUENCY COORDINATION COVERAGE BY COUNTY

COLORADO



Coordination Areas

Coordinated Counties

FRONT RANGE

Adams, Alamosa, Arapaho, Archuleta, Baca, Bent, Boulder, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Denver, Dolores, Douglas, Elbert, El Paso, Fremont, Gilpin, Hinsdale, Huerfano, Jefferson, Kiowa, Kit Carson, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Montezuma, Morgan, Otero, Park, Phillips, Powers, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld, Yuma

WESTERN SLOPE

Chaffee, Delta, Eagle, Garfield, Grand, Gunnison, Jackson, Lake, Mesa, Moffat, Montrose, Ouray, Pitkin, Rio Blanco, Routt

**Excerpts from SBE Broadcast Auxiliary Frequency Coordination.
Coverage by County Binder**

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FREQUENCY COORDINATORS

As Compiled by the

SOCIETY OF BROADCAST ENGINEERS, INC.

As of JULY 1, 1955

1

JULY 1995

CORRECTIONS APPEAR AS:

STATE	AREA	COORDINATOR	PHONE	STATION	ADDRESS	CITY	ZIP	CWP	FAX
ALABAMA	MOBILE	FRANK GARDNER	904-875-1111	WABT-TV	2145 IRLAND AVE. S	MOBILE	36688		904-875-1111
	MOBILE	LAUREN WILSON	904-875-1111	WABT-TV	1500 COMMERCE STREET	MOBILE	36604		904-875-1111
	MOBILE	JOHN BROWN JR.	904-875-1111	WABT-TV	1701 MONTE WARD	MOBILE	36601		904-875-1111
	MOBILE	JOHN WILSON	904-875-1111	WABT-TV	2111 W. AMERICAN CIRCLE	MOBILE	36608		904-875-1111
ALASKA	ANCHORAGE	JOHN WILSON	907-465-2215	WABT-TV	P.O. BOX 10	ANCHORAGE	99501		907-465-2215
	ANCHORAGE	JOHN WILSON	907-465-2215	WABT-TV	1001 PETER CIRCLE	ANCHORAGE	99501		907-465-2215
	ANCHORAGE	JOHN WILSON	907-465-2215	WABT-TV	2071 UNIVERSITY AVE.	ANCHORAGE	99501		907-465-2215
	ANCHORAGE	JOHN WILSON	907-465-2215	WABT-TV	1101 N. CENTRAL	ANCHORAGE	99501		907-465-2215
ARIZONA	PHOENIX	JOHN WILSON	602-444-1111	WABT-TV	301 OLD COUNTRY LANE RD.	PHOENIX	85001		602-444-1111
	PHOENIX	JOHN WILSON	602-444-1111	WABT-TV	P.O. BOX 100	PHOENIX	85001		602-444-1111
	PHOENIX	JOHN WILSON	602-444-1111	WABT-TV	55 HAWTHORNE ST.	PHOENIX	85001		602-444-1111
	PHOENIX	JOHN WILSON	602-444-1111	WABT-TV	P.O. BOX 10	PHOENIX	85001		602-444-1111
CALIFORNIA	SAN FRANCISCO	JOHN WILSON	415-398-2215	WABT-TV	1408 ETHAN WAY E20	SAN FRANCISCO	94102		415-398-2215
	SAN FRANCISCO	JOHN WILSON	415-398-2215	WABT-TV	1408 ETHAN WAY E20	SAN FRANCISCO	94102		415-398-2215
	SAN FRANCISCO	JOHN WILSON	415-398-2215	WABT-TV	1408 ETHAN WAY E20	SAN FRANCISCO	94102		415-398-2215
	SAN FRANCISCO	JOHN WILSON	415-398-2215	WABT-TV	1408 ETHAN WAY E20	SAN FRANCISCO	94102		415-398-2215
CANADA	OTTAWA	JOHN WILSON	613-441-1111	WABT-TV	1408 ETHAN WAY E20	OTTAWA	K1H 1B1		613-441-1111
	OTTAWA	JOHN WILSON	613-441-1111	WABT-TV	1408 ETHAN WAY E20	OTTAWA	K1H 1B1		613-441-1111
	OTTAWA	JOHN WILSON	613-441-1111	WABT-TV	1408 ETHAN WAY E20	OTTAWA	K1H 1B1		613-441-1111
	OTTAWA	JOHN WILSON	613-441-1111	WABT-TV	1408 ETHAN WAY E20	OTTAWA	K1H 1B1		613-441-1111
COLORADO	DENVER	JOHN WILSON	303-441-1111	WABT-TV	1408 ETHAN WAY E20	DENVER	80202		303-441-1111
	DENVER	JOHN WILSON	303-441-1111	WABT-TV	1408 ETHAN WAY E20	DENVER	80202		303-441-1111
	DENVER	JOHN WILSON	303-441-1111	WABT-TV	1408 ETHAN WAY E20	DENVER	80202		303-441-1111
	DENVER	JOHN WILSON	303-441-1111	WABT-TV	1408 ETHAN WAY E20	DENVER	80202		303-441-1111
CONNECTICUT	HARTFORD	JOHN WILSON	860-441-1111	WABT-TV	1408 ETHAN WAY E20	HARTFORD	06102		860-441-1111
	HARTFORD	JOHN WILSON	860-441-1111	WABT-TV	1408 ETHAN WAY E20	HARTFORD	06102		860-441-1111
	HARTFORD	JOHN WILSON	860-441-1111	WABT-TV	1408 ETHAN WAY E20	HARTFORD	06102		860-441-1111
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	MIAMI	JOHN WILSON	305-441-1111	WABT-TV	1408 ETHAN WAY E20	MIAMI	33101		305-441-1111
	MIAMI	JOHN WILSON	305-441-1111	WABT-TV	1408 ETHAN WAY E20	MIAMI	33101		305-441-1111
	MIAMI	JOHN WILSON	305-441-1111	WABT-TV	1408 ETHAN WAY E20	MIAMI	33101		305-441-1111

Send Additional Information and/or Corrections to: PAUL LEWIS, 5034 Sling Drive, Sylvania, OH 43055 (419) 882-9905



SOCIETY OF BROADCAST ENGINEERS, INC.
Indianapolis, Indiana

Figure 1F